

REMARKS

Reconsideration of the application is respectfully requested based on the following remarks. In addition, the claims have been amended to further clarify the subject matter regarded as the invention. Claims 1-34 and 36 remain pending.

REJECTION OF CLAIMS 1-13 UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 1-36 under 35 USC §103 as being unpatentable over Eaton et al., U.S. Patent No. 6,012,050, ('Eaton' hereinafter) in view of Wilkinson et al. (WO 98/19237). This rejection is fully traversed below.

The Examiner admits that Eaton fails to teach the terminal application as compatible with a smart card, the card's information able to use different modules or applications, and the terminal application as portable to a plurality of terminals. While it is well-known to generally use a smart card with a terminal, as suggested by Wilkinson, the combination of Wilkinson and Eaton would fail to achieve the desired result. Specifically, Eaton discloses a presentation layer 506 that controls the presentation of information to a user, in addition to portions that are written in a language such as C/C++ (see col. 7, lines 44+), and may therefore be reused. However, the combination of the cited references fails to disclose or suggest a terminal software application having a platform independent portion including at least one of a stored value application, a credit application, a debit application, and a loyalty application.

In addition, Applicant respectfully submits that the cited references, separately or in combination, fail to disclose or suggest the claimed invention, which enables a terminal application for use with smart cards to be developed such that it is portable to a plurality of terminals. Moreover, neither of the cited references, separately or in combination, discloses or suggests the use of one or more APIs in the manner claimed to enable a terminal software application having a platform independent portion to be developed as claimed.

With respect to independent claim 1, neither of the cited references, separately or in combination, discloses or suggests "a terminal application of the terminal compatible with the card application and having a platform independent portion that is independent of the

hardware and operating system of the terminal, whereby the terminal application is developed independently of the hardware and operating system of the terminal, the platform independent portion including at least one of a stored value application, a credit application, a debit application, and a loyalty application.” In addition, neither of the cited references, separately or in combination, discloses or suggests “an application programming interface that enables the terminal application to communicate with the environment services software layer, wherein the environment dependent software services provided by the environment services software layer are accessible by the platform independent portion of the terminal application through the application programming interface.”

Similarly, with respect to claim 32, neither of the cited references, separately or in combination, discloses or suggests “a terminal software application having a platform independent portion that is independent of the hardware and operating system of the terminal, whereby the terminal application is developed independently of the hardware and operating system of the terminal, the platform independent portion including at least one of a stored value application, a credit application, a debit application, and a loyalty application.” Moreover, neither of the cited references, separately or in combination, discloses or suggests a “terminal software application being arranged to make calls to the first application programming interface to access the environment services software layer, and being arranged to respond to calls from the second application programming interface for the business logic layer.”

Similarly, with respect to claim 21, neither of the cited references, separately or in combination, discloses or suggests “performing card recognition to determine whether the card is recognized by a terminal application, the terminal application including one or more modules associated with one or more commands accessible to a business logic layer and having a platform independent portion that is independent of the hardware and operating system of the terminal, the platform independent portion in communication with the business logic layer and including at least one of a stored value application, a credit application, a debit application, and a loyalty application” for use with smart cards.

Based on the foregoing, it is submitted that the independent claims are patentable over the cited references. In addition, it is submitted that dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is

respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103(a).

SUMMARY

It is submitted that the cited references, alone or in any combination, do not teach or suggest the features of the claimed invention. Therefore, it is submitted that the claims are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. VISAP018).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Elise R. Heilbrunn
Reg. No. 42,649

BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, California 94704-0778
Tel. (510) 843-6200